

random arrays, and what makes the present invention so useful, is that random arrays generally require at least one, and generally several “decoding” steps that produce data images that must be compared. In addition, while the techniques of the invention can be used on a variety of random arrays, the discussion below is directed to the use of arrays comprising microspheres that are laid down randomly on a surface comprising discrete sites. However, as will be appreciated by those in the art, other types of random arrays, i.e. those not containing beads, may also utilize the methods of the invention.

By “array” herein is meant a plurality of candidate agents in an array format; the size of the array will depend on the composition and end use of the array.

In contrast claim 56 requires placement and recording of the positions of several groups of particles, in succession, on a substrate “to generate a matrix of random encoded arrays of particles.” This is not discussed in Dickinson et al.

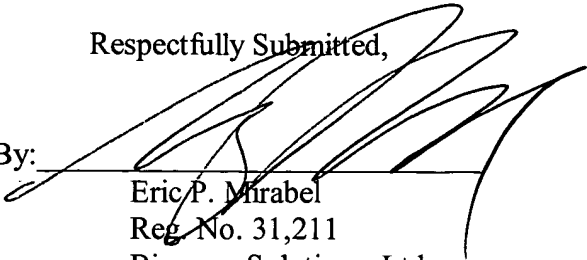
The Examiner has stated that the “effective filing date of the instant application is September 17, 1999.” Dickinson et al. was filed on August 30, 2000, and claims priority to provisional applications 60/151,668 (filed August 31, 1999) and 60/151,483 (filed August 30, 1999). Thus, absent a disclosure in the provisional applications of the elements of independent claim 56, it cannot be anticipated.

Copies of these provisional applications are enclosed, and it can be seen that there is no mention of a matrix, or successively placing and recording positions of particles or even of “particles ... encoded with a label, and wherein differently encoded particles have a different label.” These provisional applications only discuss recording fluorescent images “from a single bead type.” See Figure 2 caption. They also show (in one of the two figures labeled “Figure 1”) “Average Signals and Backgrounds of a *Subset of Beads...*” Accordingly, there is no disclosure related to claim 56 and the claims dependent thereon, and the rejection should be withdrawn.

The Examiner has indicated that claims 59-61 are free of prior art, and accordingly, allowance is respectfully sought.

Respectfully Submitted,

By:



Eric P. Mirabel
Reg. No. 31,211
Bioarray Solutions, Ltd.
35 Technology Drive
Warren NJ 07059
(908) 226 8200 (ext 203)

The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.